

**UNITED STATES BANKRUPTCY COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------------|---|-------------------------------------|
| <hr/> | : | |
| IN RE: | : | |
| | : | CHAPTER 11 |
| LITTLE WASHINGTON FABRICATORS, | : | |
| INC., | : | BANKRUPTCY NO. 22-10695(PMM) |
| DEBTOR. | : | |
| <hr/> | : | |

**MOTION OF THE DEBTOR AND DEBTOR-IN-POSSESSION FOR AN ORDER
PURSUANT TO 11 U.S.C. § 365(d)(4) AND FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9014 TO EXTEND TIME TO ASSUME OR REJECT
NON-RESIDENTIAL REAL PROPERTY LEASE**

Little Washington Fabricators, Inc. (the “Debtor”) by and through its undersigned counsel, Ciardi Ciardi & Astin, hereby moves for an order pursuant to 11 U.S.C. § 365(d)(4) and Federal Rule of Bankruptcy Procedure 9014 for authority to extend time to assume or reject its non-residential real property lease, and in support thereof respectfully represents:

BACKGROUND

1. On March 22, 2022 (the “Petition Date”), Little Washington Fabricators, Inc. (the “Debtor”) filed a voluntary petition under chapter 11 of title 11 of the United States Code, as amended (the “Bankruptcy Code”).
2. This Court has jurisdiction to consider this motion pursuant to 28 U.S.C. Sections 157 and 1334. Consideration of this motion is a core proceeding pursuant to 28 U.S.C. Section 157(b). Venue of this case is proper in this district pursuant to 28 U.S.C. Sections 1409 and 1409.
3. The Debtor remains in possession of its property and in control of its business as a Debtor-in-Possession.

4. The Debtor is a party to a lease for the rental of 32,000 square feet of space at 52 Mill Street, Christiana, Pennsylvania (the "Lease") from Mill Street Real Estate, LLC (the "Lessor"), which is a single member limited liability company owned solely by Douglas Howe. A true and correct copy of the Lease is attached hereto and incorporated herein as Exhibit "A".

5. Pursuant to the Lease, Debtor is responsible for the payment of monthly rent of \$9,294.00. The Debtor has made all rental payments through April. The Debtor is behind on the May payment but expects to make payment in short order.

6. By and through this Motion, the Debtor seeks to extend its time to assume or reject the Lease.

GROUND FOR RELIEF

7. Section 365(d) of the Bankruptcy Code provides, in pertinent part, as follows:

(4)(A) [s]ubject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of ---

(i) the date that is 120 days after the date of the order for relief; or

(ii) the date of the entry of an order confirming a plan.

(B)(i) [t]he court may extend the period determined under subparagraph (A), prior to the expiration of the 120 day period, for 90 days on the motion of the trustee or lessor for cause.

11 U.S.C. § 365(d)(4)(B).

8. The Debtor requests an extension of time to assume or reject the Lease from July 20, 2022, the present deadline, to **October 20, 2022** (the "Extension Date").

9. The Lessor is not prejudiced by the Debtor's request for additional time because the Debtor has made all rental payments through April. The Debtor is behind on the May payment but expects to make payment in short order.

10. Moreover, the Lessor has no objection to the Debtor's request for additional time to assume or reject the Lease.

11. The Debtor is requesting an extension of time until the Extension Date to determine whether assumption or rejection of the Lease is in the best interest of the Debtor and its estate.

12. Since all of the post-petition lease payments through April, 2022, have been made and the Debtor intends to continue making its post-petition lease payments through the Extension Date, the Lessor will not be harmed by an extension of time.

13. Accordingly, the Debtor respectfully requests the entry of an Order extending the time within which the Debtor must assume or reject its non-residential real property Lease from **July 20, 2022 to October 20, 2022**.

WHEREFORE, the Debtor requests that this Court enter an Order in the form attached hereto and for such other and further relief as this Court deems just and proper

Date: June 20, 2022

CIARDI CIARDI & ASTIN

/s/ Nicole M. Nigrelli

Albert A. Ciardi, III, Esquire

Nicole M. Nigrelli, Esquire

1905 Spruce Street

Philadelphia, PA 19103

Telephone: (215) 557-3550

Facsimile: (215) 557-3551

aciardi@ciardilaw.com

nnigrelli@ciardilaw.com

Counsel for the Debtor